

# COMPANY USER GUIDE

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# 1. WHAT IS CCFORM?

## 1.1. CORE CONCEPTS

### **a) The Consumer Complaint Form**

What does CCform stand for? – CCform stands for *Consumer Complaint form for Online Resolution Mechanisms*.

Management tool – CCform is a management tool for individual complaints made by a complainant (customer, consumer, client, retailer, etc.) directed towards a particular company. It is designed to be used in a confidential, one-to-one customer service environment. It assumes that the complaint will be resolved directly by the company to the full satisfaction of the complainant. CCform can be used by any company regardless of the sales channel used. Not only e-commerce, but off-line distance sales and local retail operations can be improved by using CCform.

CCform is the first step in the management of a complaint and does not preclude other ways of solving a problem, regardless of the solution proposed. CCform also provides measures for the escalation of unresolved complaints to an agreed alternative dispute resolution (ADR) service, or to a regulator, as appropriate.

CCform - an EU funded project – CCform is a European Commission Information Society and Technology Directorate (IST) funded project, aimed at reaching a consensus between business, consumers, academics and regulators on new, more efficient and transparent processes for complaint management.

Trust and confidence – The CCform project is aimed at increasing trust and confidence in electronic commerce for the benefit of both consumers and business. Its primary goals are to raise consumer trust and confidence, decrease operating costs for business, improve service quality and deliver satisfied customers. FEDMA's involvement in the project attests to promotion of the wish to develop trust and confidence in e-commerce.

Furthermore, the promotion of the company's CCform registration creates a quality mark, and helps avoid recourse to the courts which might create adverse publicity for a company.

### **b) The complaint**

What can CCform be used for? – CCform can be used by a complainant to address any request or grievance to another person, designated as a recipient, on any subject linked to the recipient's business activity, whether it is about a particular purchase or about an issue of corporate behaviour unrelated to a purchase.

A complainant may request a specific outcome to his/her complaint such as a replacement of a defective product or a refund, but may also allow the company to suggest a solution if the complaint is more general.

Online or off-line origin – Complaints arising from online transactions or online relationships, as well as traditional distance contracts from the off-line environment, can be transmitted using CCform.

Categories of Complaint – There is no obligation to accept a complaint, which may relate to both contractual and non-contractual issues. It can be of a general or more specific nature, and the complainant does not necessarily have to ask for a resolution to his or her complaint.

Conditions of acceptance – Some criteria might lead to the refusal of a complaint, provided such criteria are relevant and legitimate. For instance, a complaint could be rejected by a recipient if the date of the original transaction or incident giving rise to the complaint shows that the period of guarantee has expired. Another legitimate ground to refuse a complaint would be that it is addressed to the wrong recipient.

Identification of the company– There are two categories of company: those who are registered with the CCform platform and those who are not. A complaint can be directed to either. The Platform assumes the duty to contact a company if it is not registered, and seek its participation in the complaint process. It then informs the complainant about the result of its enquiry.

### **c) The complainant**

Who is the complainant? – A complainant is a consumer/customer, who files a complaint using the CCform complaint form.

Geographical location of the complainant – The country of residence of the complainant has no impact on the acceptance of the complaint. However, it is important to know in which country the complainant is located, provided he/she is located in the EU. The Platform will provide relevant hyperlinks to find information on the national legal rights of consumers.

### **d) The company**

The company is the recipient of a complaint.

A company may or may not be registered with the CCform Platform– the complainant is entitled to address a complaint either to a company which is listed on the CCform website, or to a company that has no prior link with CCform: this is the difference between *registered and non-registered companies*.

The distinction has important consequences for the transmission of the complaint:

- If the company is listed as being registered, it means that the complaint will be transmitted automatically and that the complainant is assured of receiving a response from the company;
- If the *company is not registered*, the transmission of the complaint is not automatic. The Platform seeks to make contact with the company, and requests it registers before transmitting the complaint. If the company cannot be contacted, or does not wish to register, the complaint will not be transmitted. The consumer is informed that the complaint cannot be forwarded. The platform will suggest to the complainant, if possible, other ways of complaining, and will either destroy the data or if the complainant agrees, pass the file to an appropriate authority, ADR, etc.

If the company is registered, it means that it has agreed to comply with the rules governing the complaint process laid down in the Code of Conduct.

Conditions to become a registered company – To register, the following conditions should be met by companies:

- Companies sign a contract with CCform,
- Companies agree to abide by all provisions of the Code of Conduct,
- Companies pay a fee for using the complaint form, either on a per complaint basis or by paying an annual fee,
- Companies must indicate that they wish to use the CCform channel as their preferred complaint mechanism in all their communications.

Use of the complaint form does not require a company to have its own website, as the complaint can be transmitted by the CCform Platform using a number of different communications channels including fax. Nor does the company need to have an existing Customer Relationship management (CRM), since the Platform will provide advice if necessary - rules, advice on software companies which deliver CRM, advice on automated service provider.

### **e) The Platform**

Definition – The Platform is the central management body in charge of operating the complaint process. It does not become involved in the resolution of the complaint. Only the complainant and the company engage in this process.

Duties of the Platform – The Platform has several duties; notably to provide information to both complainants and companies, to explain the functionality of the complaint form and to ensure the transmission of complaints to the company. The Platform informs complainants about the milestones<sup>1</sup> in the complaint process and will keep track of the milestones completed by the parties. In case of problems during the complaint process, the complainant can obtain guidance from the Platform. The Platform is therefore not a simple mechanism for transmitting messages from complainants to companies.

Services offered to companies – The Platform offers a range of services to companies:

- The Use of CCform will simplify the administrative tasks of a company's complaints handling department, as the complaint will be properly structured and can be personalised;
- Through the analysis of regular statistics, the Platform can offer information about the market and comparative data about a company's status with regard to the number of complaints received; their topics; their issues; etc.

The Platform is not a mediator – The Platform does not act as mediator in the complaint process: it does not take part in the complaint resolution process.

The Platform does not guarantee that the parties will find an agreed solution – It is up to the parties to reach an agreement, without the intervention of a third party. The use of CCform cannot ensure that the complainant will receive a satisfactory solution. If the process fails, it is possible to escalate the complaint at any time during the process to an extra-judicial ADR service, to a competent administrative body or to the courts.

## **1.2. CHARACTERISTICS OF CCFORM**

### **a) Outcomes of the complaint process**

Facilitating a dialogue – The process limits itself to facilitating a dialogue between the parties, which may eventually lead to a resolution.

Parties involved in the process – The only parties which participate in finding a resolution are the complainant and the company. The Platform does not take part in the complaint process.

### **b) Multilingual aspect of the form**

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<sup>1</sup> The CCform complaint process is divided, as we will see later, into seven milestones, which define the different steps of the complaint process. See 2.2 Milestones

Automated translation into the language of the complainant/business - One of the principles of CCform is that the complainants can write their complaint in his/her own language, provided it is one of the eleven official languages of the European Union<sup>2</sup>. The company can also read it in any of the other languages. This is an added-value, especially for small firms working in cross-border marketing.

Free text boxes not translated – Free text is not automatically translated. The complainant is made aware of this limitation in the core complaint form itself. At the same time, if a company decides to add free text boxes in its extended and personalised complaint form, it will have to provide a translation itself.

### **c) European and national legal framework**

European legislation – The complaint form is developed in accordance with the European legislation notably that relating to electronic commerce, consumer rights (distance contracts, advertising, unfair contract terms, guarantees, credit, commercial practices, *etc.*). The Platform provides information on the European legal framework.

National legislation – The Platform cannot guarantee that companies comply with their own national law. CCform delivers a tool that can be used by companies in their relations with customers. Compliance with national law is an obligation for all business. Neither is it the role of the Platform to resolve the delicate international private law issues which may arise. However, the Platform can help companies find useful and relevant information, via, targeted hyperlinks on the Platform website: e.g.: the *Vade Mecum*, and hyper links to national legislation, trade associations, or relevant government departments.

## **1.3. ROLE OF THE PLATFORM**

### **a) Contacts with companies**

The Platform maintains contact the companies, whether they are registered or not.

The registration procedure – The Platform signs a contract with companies which wish to register to use the complaint form. Through this contract, the company commits itself to comply with the Code of Conduct, and to pay a fee for using the complaint form. Registration ensures that the name of the company is listed on the Platform's website -with details such as company contact details, choice of its ADR, self nominated response targets, *etc.*

Non-registered companies – As soon as a complaint is filed against a non-registered company, the Platform seeks to contact the company concerned. The Platform invites the company to register and to receive the complaint. If it refuses to register, or if the Platform is unable to contact the company, the complainant is informed that the complaint cannot be transmitted and receives advice on other methods of redress.

### **b) Providing information**

The Platform provides general information about the complaint form, via:

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<sup>2</sup> English, French, German, Italian, Dutch, Spanish, Danish, Swedish, Portuguese, Greek and Finnish.

- A general email address - Available for anyone who wishes to interrogate the Platform about the complaint process.
- User Guide for Consumers – Provides practical information in a FAQ format about the functionality of the form, how to use it, what can be expected from the form, the commitments of registered companies, escalation of unsolved complaints, *etc.*
- Company User Guide – The User Guide for companies is also displayed on the Platform website.
- Privacy policy – Both the Platform and the company are designated as “data controllers” in the context of EU data protection legislation for the processing of personal data. This requires both the Platform and companies to provide a *privacy policy* which indicates that:
  - Both the Platform and the registered company are designated as data controllers,
  - the purpose for which the data collected will be processed,
  - Provision of other information requested by the law (right of access, right of rectification, right of opposition, security measures, *etc.*),
  - With regard to non-registered companies: it should be clearly stated that personal data will not be transmitted to non-registered companies if they do not sign a contract with CCform, that is to say if they do not accept the privacy rules,
  - When the non-registered Company does not accept to sign a contract, it should be stated what is to be done with the data,
  - *etc.*
- A list of registered companies – Such a list is available on the Platform website with a search engine to ease the identification of companies.
- The Code of Conduct – Also available on the website.
- Information on consumer rights – The Platform provides information on legal rights, in plain language, with a hyperlink to associations dedicated to assisting consumers.
- Information on the outcome of the process and on Alternative Disputes Resolution procedures - An explanation on what a complainant can expect from the CCform process and, information on available mechanisms aimed at solving disputes with the intervention of a neutral third party (ADR).
- Tracking milestones for complainants - The system allows the complainant to track the milestones passed by the parties during the complaint process. The company should inform the Platform each time a milestone of the response process has been passed. This information is open to complainants through the unique complaint number which is issued at the time of registration.
- Aggregated statistics - The Platform provides aggregated and anonymised statistics on complaint procedures, e.g.: statistics by activity sector, by problem encountered, *etc.* This not only helps companies improve their service, products and brand image, but also helps legislators to draft regulations relevant to the market sector.

### **c) Incentive role**

During the registration procedure, the Platform informs Companies about existing trustmark schemes, best practice rules in certain market sectors, and regulations related to specific sectors, where relevant. The Platform also offers assistance to companies by suggesting the use of an alarm bell and self-nominated response targets.

Moreover, companies receive information about existing Alternative Dispute Resolution systems (ADRs). ADR systems are requested to complete a standard template to explain their role,

characteristics, addresses and domain. Companies are encouraged to nominate early an ADR in the case that complaints are escalated. This automates and speeds up the process. However, there is no obligation to escalate to an ADR in case of failure to resolve a complaint.

#### **d) Managing the extension possibilities of the complaint form**

Each registered company can define extensions to the standard form. These extensions allow companies to request specific and precise details relevant to its own business (e.g. pre-defined contract number, product brand, free text boxes, possible resolutions...). This helps to improve the quality of the complaint procedure by specifying the relevant questions at the outset of the process. However, these extensions must comply with the rules laid down in the Code of Conduct.

CCform complaint forms cannot be altered directly. Extensions must be added to the CC ontology, from which the complaint form is directed. This ensures logical and terminological consistency, while at the same time makes the multilingual capabilities easier to use.

Extensions are treated as separate modules. They create some intentional limitations. For instance, it is not permitted to extend the modules “complainant” and “address”, which prevents companies from collecting more personal data than is needed to respond to the complaint.

#### **e) Information on consumer rights**

The Platform provides information on consumer rights. Such information helps companies, which do not have legally qualified staff, to understand legal requirements and to apply the rights of each consumer.

National legislation must be taken into account to ensure that consumers are not deprived of their legal rights since EU consumer directives represent a minimum standard of protection for consumers. To this end, the Platform provides relevant information on national consumer laws using hyperlinks to existing guides, brochures, *Vade Mecum* on consumers' rights. Such information is easily available on the Platform.

#### **f) Watchdog role**

Although the Platform does not intervene in the resolution of complaints, it does play a role in the following:

- It provides feed-back to companies about how they handle their complaints and how they comply with their self-nominated response targets;
- It provides anonymised statistics to be used by companies, regulators and others on the basis of the complaints addressed to the Platform;
- It monitors compliance with and enforces the Code of Conduct by registered companies;
- It provides an alert contact address for complainants when problems arise in relations with registered companies,
- It acts and may impose sanctions against companies breaching the Code of Conduct.

#### **g) Ensuring the credibility of the system**

The Platform ensures the integrity of the system by:

- Monitoring compliance with the Code of Conduct,
- Reacting to an alert message: its reaction can be to contact the company, to ask for

- correction, to impose sanctions, *etc.*
- Forwarding to the Surveillance Committee all allegations of Code breaches by registered company.

#### **h) Own ADR for relations with companies**

The Platform has nominated its own ADR, which seeks to resolve any issues between the Platform and registered companies, resulting from breaches of the Code of Conduct.

As an independent body, this internal ADR may intervene in all the disputes between companies and the Platform without being part of the actual complaint process.

#### **j) Statistics**

At the end of the complaint handling process, irrespective of whether a solution has been agreed or whether escalation to an ADR has taken place, the Platform will store anonymised data concerning the complaint handling. This data will be useful for companies, which may compare their own company statistics with the Platform average.

It will also be useful for authorities and other bodies to obtain consumer compliant information on different market sectors which show the most frequent consumer problems.

## **2. PROCEDURE TO REGISTER A COMPLAINT**

### **2.1. COMPLETION OF THE CCFORM BY THE COMPLAINANT**

The complainant completes the CCform on-line, usually by accessing the CCform Platform website.

The complainant completes certain fields which are compulsory, such as his/her email address. A unique reference number is automatically issued to the complaint. This number is the only possible means of identifying a complaint. It is the complaint and not the complainant which is identified.

The complaint form is forwarded by the Platform to the registered company. If the Platform receives a complaint addressed to a non-registered company, it will try to contact the company with the information given by the complainant (address of a shop, brand, e-mail...). If the company refuses to register, the complaint will not be forwarded. The Platform then informs the complainant and gives advice on escalation possibilities or other means of resolving a complaint.

### **2.2. MILESTONES**

The CCform process is divided into 7 milestones. Each of these milestones corresponds to a step of the process.

The complainant, using the unique complaint number, is able to follow the progress of the complaint on CCform website.

#### **a) Milestone 1: collecting the complaint**

The Platform informs companies that a complaint has been received.

#### **b) Milestone 2: agreeing the complaint is addressed correctly**

The complaint must be addressed to the correct company.

If the complaint is not correctly addressed, the company will register "*rejected at milestone 2*" and the Platform informs the complainant.

#### **c) Milestone 3: agreeing the complaint is acceptable**

Registered Companies must agree that the complaint is acceptable (e.g. if the complaint concerns an after-sales service provided in the warranty of the goods, it is important to check that the time limit of the warranty has not expired).

If not, the company registers "*rejected at milestone 3*" and informs the complainant of the reason(s) for rejection. The complainant may contact the Platform if s/he disagrees with the company's decision. In the event of obvious bad faith on the part of the company and if no solution is found between the parties, the ADR mechanism nominated by the Platform can be activated.

At that stage, the company should also inform the complainant about the acceptance of the complaint.

The company should indicate to the complainant in which time frame it intends to provide an answer.

#### **d) Milestone 4: making an offer to complainant**

The company can make an offer according to the request of the complainant as stated in the complaint form, or it can ignore the customer's request and make an alternative proposal.

#### **e) Milestone 5: agreeing a resolution with the complainant**

A registered company may either:

- Accept the offer of the complainant, or
- Reject the offer of the complainant, or
- Negotiate a new offer.

Either party may decide that a resolution is not possible and choose to escalate the complaint to a dispute resolution body, provided both parties agree.

The complaint process can stop at milestone 5 if no solution is reached by the parties.

#### **f) Milestone 6: confirming the resolution has been actioned**

A registered company must action the resolution agreed by the parties.

If a company fails to action or only partially applies the solution, the complainant can address a grievance to the Platform through the *alert contact address*.

#### **g) Milestone 7: closing the complaint file**

Once the resolution has been actioned, the complaint file will be closed.

### **2.3. A TOOL FOR COMPANIES**

This process, divided into milestones, has different advantages for registered companies:

- *Information available to the complainant*: a company does not need to send information about the progress of the complaint (except at Milestone 3 to inform him/her about a time frame for response), because the complainant can access all relevant information by logging on the Platform website using his/her complaint number;
- *Alert contact address and nominated response time*: when the company registers, it is required to indicate a time frame for complaint handling milestone per milestone (the so-called "self nominated response targets"). The Platform can then warn the company if it spends more time than expected, via an automated warning e-mail. The Platform is able, at the end of the process, to deliver statistics in the respect of these targets.
- *Benchmarking*: the tracking of the milestones of each complaint until its closure provides each registered company valuable statistics about its complaint handling performance. This allows the company to compare its statistics with other companies, and to improve its complaints

management;

- *Date*: the date of registration of the complaint is the date at which “the clock starts ticking”. This date serves as a reference for the resolution by the company, as agreed in the rules of the trustmark or best practice rules to which it adheres.

For specified practical reasons a company may choose not to follow the milestone process. This should only be possible if following the milestones would slow down the process. In cases of abuse, the Surveillance Committee will be entitled to require a company to follow the milestone process.

### **3. WHAT ARE THE BENEFIT S/ADDED-VALUES FOR BUSINESSES?**

CCform offers different advantages for companies, regardless of whether they already have a well established complaint management system.

#### **3.1. AN EASY SYSTEM TO USE**

##### **a) XML technologies**

The complaint form will be transmitted by the Platform to the registered company in an XML document. The company does not need a specific computer program to read the complaint in this format.

The choice of XML for the complaint document follows the latest trends in computing and takes advantage of easy document access and manipulation by a wide variety of inexpensive tools.

##### **b) Web portal provided by the Platform for a direct use of the complaint form**

For those companies who do not provide their own integrated, customized and automated resolution system, they will be able to use the portal of the Platform to collect complaints direct.

The CCform Platform web site allows any company, with minimal cost, to use the Platform to receive and collect complaints addressed to them. This mechanism is easy and cheap to use, because it simply requires an Internet connection and a Web browser.

##### **c) Integrating the complaint form into an existing complaint management system**

CCform may be readily integrated into an existing complaint management system.

The complaint can either replace an existing complaint form, or can be seen as a complementary mechanism to the existing complaint management system (be it by phone, e-mail, or mail post).

#### **3.2. A LOW COST SYSTEM**

##### **a) Fees**

Companies registering to the CCform Platform will pay a fee per complaint or an annual one determined by the annual turnover of the company, allowing small and medium size companies to take advantage of the system.

##### **b) Low staff costs**

The provision of the complaint form as an XML document allows any company to download and read it without any sophisticated software or without any specialised support staff. At the same time, such

XML documents can be easily connected to customer care systems or used to update a complaint database.

Moreover, as the core complaint form is multilingual, translation costs are confined to the small amount of free text in the complaint form.

Finally, the Platform's website provides effective and well-targeted information concerning national contact points, national laws, *Vade Mecum*, trade associations and chambers of commerce able to deliver relevant advice to companies concerning legal issues and trustmark.

### **c) An affordable system for SMEs**

CCform allows SMEs to benefit from a high technology system to improve their complaint management, bringing them into line with larger companies. SMEs not only benefit from economies of scale on the search capabilities of the CCform, but also from its management by a common centralised Platform.

## **3.3. A SYSTEM AIMED AT INCREASING CUSTOMER SATISFACTION**

### **a) Enhancing trust and confidence**

The main objective of CCform is to improve trust and confidence in electronic commerce for the benefit of both consumers and businesses.

To reach this goal, the Platform aims at delivering a trusted brand supported by a clear Code of Conduct which ensures that companies do their best to find a satisfactory solution for the consumer.

### **b) Increase efficiency of complaint management handling**

A system of extensions, made available by the latest technology research, is also a great added-value aimed at increasing consumer satisfaction. The extension possibilities allow companies to add details to their complaint form and to tailor the solutions proposed to their market needs, thereby to speed up the process.

## **4. COMPANIES' OBLIGATIONS**

### **4.1. COMMITMENTS RELATED TO THE COMPLAINT PROCESS**

#### **a) The contract**

The Platform exchanges contracts with each company which wishes to use the complaint form. This contract makes compliance compulsory with the Code of Conduct that describes the obligations of the company.

#### **b) Visibility of CCform logo and providing information on the CCform**

The complaint form used by a company, whether personalised or not, must clearly display the CCform logo.

It should also display the logo on its communications with customers, indicating CCform as (one of) its preferred channel for handling complaints.

Finally, it should provide information about CCform, presenting it as a channel for handling its complaints.

#### **c) An obligation to answer to a complaint and to indicate a timeframe**

Companies must respond to a complaint by sending an acknowledgement of receipt to the complainant. This means that the company should undertake to answer a complaint by contacting the complainant advising that the complaint has been received and that it will respond in due course.

It must also indicate in what timeframe it will provide a detailed response to the complaint.

#### **d) Prohibition to refuse a complaint for unjustified reasons**

The company may refuse a complaint. If it does so, it must justify its refusal. It cannot simply send a message informing the complainant that the complaint has been refused. The principle of good-faith requires that it fully justifies any refusal.

In case of disagreement on this point, or in case of obvious bad faith on part of the company, the CCform Committee of Surveillance may escalate the complaint to its ADR to solve the problem and see if the company can legitimately refuse the complaint. The Committee will then act accordingly.

#### **e) Prohibition on requesting non-relevant evidence**

The company may not slow down the process by requesting evidence which the complainant cannot obviously supply, or which is irrelevant to a solution of the problem.

However, this does not prevent complainants from making reference to evidence, which they believe can be useful to a resolution.

#### **f) Actioning the solution agreed with a complainant**

If the parties reach a solution, the company must fully action it within a reasonable time.

#### **g) Complying with extension rules**

A company may personalize the complaint form, adapting it to its specific needs and in accordance with its marketing strategies. Such extensions must be carried out in compliance with the “extension rules” described in the Code of Conduct, notably no superfluous personal data may be requested. These extensions should also respect the principle of purpose limitation, which means that they can only extend the CCform complaint form with questions that are needed to increase the efficiency of the complaint process.

Finally, the logic of these extensions should be shared within the CCform community

### **4.2. COMMITMENTS RELATED TO PRIVACY ISSUES**

#### **a) Purpose limitation**

The sole purpose of the data processing in the context of CCform is complaint handling. The data collected to handle a complaint **must not** be utilised for the purposes of marketing the company’s products and services. Use for statistical purposes, for example, must respect rules laid down by National legislation such as making the data anonymous.

Extensions of the complaint form must follow the same rules as those for purpose limitations.

#### **b) Data quality**

Personal data collected must be adequate, relevant and not excessive in relation to the purposes for which it is collected and/or further processing; data must be accurate and where necessary be kept up to date; data may only be kept for a certain period of time.

#### **c) Rights of the complainant regarding personal data**

The company and the Platform must guarantee that the complainant can exercise the following rights, as minimum legal requirements in the field of data protection

- Right to be informed: When a complainant fills in a complaint form, the platform must give information about the Platform; the purpose for which data is collected; the fact that personal data will be forwarded to the identified company for the purpose of handling the complaint, the obligatory or optional nature of the data requested; the existence of a right of access, of rectification and of objection to the processing of certain personal data; and finally the level of security during all processing stages including transmission.
- Right of access and rectification: The complainant has the right to confirm what data the company holds about him/her, how it has been processed and information about the purpose for which it has been processed the categories of data concerned, and the companies or

categories of companies to whom the data has been disclosed. The complainant has the right to obtain the rectification, deletion of, or blocking data if necessary.

- Right to object: The complainant has the right to object on legitimate grounds to the processing of their data.

#### **d) Security measures**

The company and the Platform have the duty to put into place measures to avoid any accidental or unlawful destruction, loss or alteration of data and against any unauthorised disclosure or access and any other forms of unlawful processing. The security measures may be organisational (designation of a "security officer", documents handed out to the staff with precise security measures to be respected...), or technical (computers kept under lock and key or in secure areas, use of access codes, and encryption of data).

### **4.3. RULES OF EXTENSION**

#### **a) Compliance with the extension rules**

The company is entitled to extend the complaint form in order to suit its business needs, but such extensions must be made in accordance with the extension rules laid down in the Code of Conduct.

#### **b) Responsibility of the company**

The extensions made by the company are its own responsibility. The Platform does not assume any liability for any extensions made by the company.

#### **c) Obligation to inform the Platform**

The company must inform the Platform about the extensions it has made to CCform. The Platform maintains the right to check at any time the extended CCform complaint form proposed by any registered company. The Platform may control, on a non systematic basis, the extended form of registered companies to ensure that they comply with the extension rules. The Platform is entitled to refuse any extension if it breaches the rules of the Code of Conduct.

#### **d) Obligation to inform the complainant**

If a company changes more than the lay-out of the form, it must make clear that it is an extended or personalised version of the CCform that is being offered to complainants.

#### **e) Obligation to share**

A shareable ontology is a driving force of the system, as it:

- provides general improvement to the complaint processes

- provides economy of scale
- increases profit for the whole community
- gives added-value to CCform

Therefore, any extensions must be added to the original CC Ontology, in order to:

- Ensure logical and terminological consistency
- Allow multilingual capacities of the form
- Make the new extensions available for all the CCform community, in order to improve the standard of all the complaint and their better management.

## **5. ENFORCEMENT AND SANCTIONS**

### **5.1. ENFORCEMENT**

Although the relationships between the Platform and the companies rely on mutual trust, sanctions are employed in order to ensure that companies' commitments are fully honoured. The Platform reserves the right to control the use of the CCform by a company.

Different enforcement mechanisms may be used at different times.

#### **a) Alert contact address**

Apart from the general email address designed to receive general queries and comments, the Platform provides an alert contact address for complainants. This allows complainants to refer any problem in the complaint process. The alert address can only be used by a complainant for referring an infringement by the company of one of its obligations laid down in the Code of Conduct. The problem may be linked to a failure to respond or to an unreasonable delay in replying, an unwillingness to reach a solution or to implement an agreed solution. The complainant will be requested to provide background details to enable the Platform to understand the problem.

#### **b) Actions of the Platform**

Once informed by complainants of an alleged breach by a registered company, the Platform will act and try to resolve the problem. To this end, the Platform may need to ask for more information from both the complainant and the company.

The Platform first contacts the company and asks it to justify its behaviour. The contract signed between the Platform and the company requires that the company agrees to explain its behaviour and to rectify its behaviour in cases of non compliance with the Code of Conduct. If the company does not respond, the Platform can either apply sanctions, or ultimately to lodge a complaint against the company at an ADR for non compliance with the Code of Conduct. The contract signed by the company and the Platform mentions the agreed ADR body to resolve such disputes.

#### **c) The Surveillance Committee**

The Surveillance Committee is an independent Monitoring and Compliance Committee which:

- Decides which actions are needed when companies do not comply with their contractual duties;
- Has at its disposal investigative powers to control the registered companies in their handling process;
- Is responsible for interpreting the Code of Conduct, for proposing modifications if needed and for publishing a report of its actions at least once a year.
- Applies the principles which are essential for ensuring a "fair" process.

It consists of 5 persons: one lawyer expert in the field of mediation with a reputation for independence, who chairs the Committee; one representative from a consumers' association; one representative from a business association; one computer scientist; and one additional expert chosen by the Chairman who acts as the Secretary to the Committee.

## **5.2. SANCTIONS**

### **a) Behaviour giving rise to sanctions**

The following behaviour may give rise to sanctions:

- Failure to respond to a complainant,
- Responding with unreasonable delay to a complainant,
- Refusing a complaint for unjustified reasons,
- Ignoring the legal rights of the complainant,
- Misusing the personal data of the complainant/not complying with the privacy policy
- Non compliance within the rules of extension,
- Asking for irrelevant information to slow down the process,
- Persistently breaching its self-nominated response targets,
- Not actioning the solution agreed by the parties,
- Partially actioning the solution,
- *etc.*

### **b) Scale of sanctions**

Possible sanctions are:

- Fines
- Withdrawal of the company's registration,
- Including the name of the company on a blacklist,
- Providing information to relevant public authorities who may investigate the infringement,
- Lodging a complaint to an ADR or a court.

The applicable sanction should not be automatic but be proportion to the type of breach, number and frequency of infringements by the company.

## **6. THE CODE OF CONDUCT**

The obligations of the registered companies are described in the Code of Conduct.

The Code is divided into six main parts:

1. Definitions
2. Visibility and transparency
3. Complaint process
4. Privacy policy
5. Extension rules
6. Enforcement